

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	File Number EB-02-KC-641
	)	
KN Telecommunications, Inc.	)	NAL/Acct. No.200232560030
Owner of Antenna Structure #1016749 located	)	
near Wyman, Iowa	)	FRN 0001-6216-89
Lakewood, Colorado	)	

**NOTICE OF APPARENT LIABILITY FOR FORFEITURE**

**Released:** August 27, 2002

By the Enforcement Bureau, Kansas City Office:

**I. INTRODUCTION**

1. In this *Notice of Apparent Liability for Forfeiture* (“NAL”), we find KN Telecommunications, Inc., owner of antenna structure #1016749, apparently liable for a forfeiture in the amount of ten thousand dollars (\$10,000) for willful violation of Section 17.50 of the Commission's Rules (“Rules”).<sup>1</sup> Specifically, we find KN Telecommunications, Inc. apparently liable for failure to clean and repaint its antenna structure to maintain good visibility.

**II. BACKGROUND**

2. On July 30, 2002, the antenna structure bearing FCC antenna structure registration (“ASR”) number 1016749 and located near Wyman, Iowa, was inspected by an agent of the Commission’s Kansas City Field Office. At the time of the inspection, the structure’s aviation orange paint was faded and black cabling on the outside of the structure covered the painted metal tower reducing visibility of the structure. The Commission’s ASR database showed this structure is owned by and registered to KN Telecommunications, Inc.

**III. DISCUSSION**

3. KN Telecommunications, Inc.’s antenna structure registration #1016749 specifies light and painting for this structure that includes requirements that the structure be painted with alternating aviation orange and white bands. Section 17.50 of the Rules requires antenna structure owners to clean or repaint the antenna structure as necessary to maintain good visibility. On July 30, 2002, KN Telecommunications, Inc.’s antenna structure had faded aviation orange paint as well as black cabling on the tower face obscuring the structure’s paint. As a result of the faded paint and black cabling, the structure was not clearly visible.

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<sup>1</sup> 47 C.F.R. § 17.50.

4. Based on the evidence before us, we find KN Telecommunications, Inc. willfully<sup>2</sup> violated Section 17.50 of the Rules by failing to repaint the antenna structure in accordance with the painting specifications associated with its antenna structure #1016749.

5. Pursuant to Section 1.80(b)(4) of the Rules,<sup>3</sup> the base forfeiture amount for failing to repaint this structure is \$10,000. In assessing the monetary forfeiture amount, we must also take into account the statutory factors set forth in Section 503(b)(2)(D) of the Communications Act of 1934, as amended (“Act”), which include the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.<sup>4</sup> Considering the entire record and applying the factors listed above, this case warrants a \$10,000 forfeiture.

#### IV. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED THAT, pursuant to Section 503(b) of the Act,<sup>5</sup> and Sections 0.111, 0.311 and 1.80 of the Rules,<sup>6</sup> KN Telecommunications, Inc. is hereby NOTIFIED of this APPARENT LIABILITY FOR A FORFEITURE in the amount of ten thousand dollars (\$10,000) for willful violation of Section 17.50 of the Rules by failing to clean and repaint its antenna structure to maintain good visibility.

7. IT IS FURTHER ORDERED THAT, pursuant to Section 1.80 of the Rules, within thirty days of the release date of this *NAL*, KN Telecommunications, Inc. SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

8. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the *NAL*/Acct. No. and FRN referenced above. Requests for payment of the full amount of this *NAL* under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th

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<sup>2</sup> Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that “[t]he term ‘willful’, when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act . . . .” See *Southern California Broadcasting Co.*, 6 FCC Rcd 4387-88 (1991).

<sup>3</sup> 47 C.F.R. § 1.80(b)(4).

<sup>4</sup> 47 U.S.C. § 503(b)(2)(D).

<sup>5</sup> 47 U.S.C. § 503(b).

<sup>6</sup> 47 C.F.R. §§ 0.111, 0.311, 1.80.

Street, S.W., Washington, D.C. 20554.<sup>7</sup>

9. The response, if any, must be mailed to Federal Communications Commission, Office of the Secretary, 445 12<sup>th</sup> Street SW, Washington DC 20554, Attn: Enforcement Bureau-Technical & Public Safety Division and MUST INCLUDE THE NAL/Acct. No. referenced above.

10. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (“GAAP”); or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

11. IT IS FURTHER ORDERED THAT a copy of this *NAL* shall be sent by regular mail and Certified Mail Return Receipt Requested to KN Telecommunications, Inc., Attention Robert J. Knievel, 370 Van Gordon, Lakewood, CO 80228.

FEDERAL COMMUNICATIONS COMMISSION

Robert C. McKinney  
District Director, Kansas City Office, Enforcement Bureau

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<sup>7</sup> See 47 C.F.R. § 1.1914.